

26 applicability; providing an effective date.

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28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Subsection (2) and paragraph (a) of subsection
31 (3) of section 218.077, Florida Statutes, are amended to read:

32 218.077 Wage and employment benefits requirements by
33 political subdivisions; restrictions.—

34 (2) (a) Except as otherwise provided in subsection (3), a
35 political subdivision may not establish, mandate, maintain, or
36 otherwise require an employer to pay a minimum wage, other than
37 a state or federal minimum wage, to apply a state or federal
38 minimum wage to wages exempt from a state or federal minimum
39 wage, or to provide employment benefits not otherwise required
40 by state or federal law.

41 (b) A political subdivision may not through its purchasing
42 or contracting procedures seek to control or affect the wages or
43 employment benefits provided by its vendors, contractors,
44 service providers, or other parties doing business with the
45 political subdivision. A political subdivision may not through
46 the use of evaluation factors, qualification of bidders, or
47 otherwise, award preferences on the basis of wages or employment
48 benefits provided by its vendors, contractors, service
49 providers, or other parties doing business with the political
50 subdivision.

51 (3) This section does not:
 52 (a) Limit the authority of a political subdivision to
 53 establish a minimum wage other than a state or federal minimum
 54 wage or to provide employment benefits not otherwise required
 55 under state or federal law:

- 56 1. For the employees of the political subdivision; or
- 57 ~~2. For the employees of an employer contracting to provide~~
- 58 ~~goods or services for the political subdivision, or for the~~
- 59 ~~employees of a subcontractor of such an employer, under the~~
- 60 ~~terms of a contract with the political subdivision; or~~
- 61 2.3. For the employees of an employer receiving a direct
- 62 tax abatement or subsidy from the political subdivision, as a
- 63 condition of the direct tax abatement or subsidy.

64 Section 2. Section 448.077, Florida Statutes, is created
 65 to read:

66 448.077 Regulation of labor preempted to state.-
 67 The regulation of the terms and conditions of employment is
 68 expressly preempted to the state. Unless expressly authorized by
 69 special or general law, a county, municipality, special
 70 district, or political subdivision of the state may not adopt or
 71 enforce an ordinance, order, rule, or policy providing any term
 72 or condition of employment that exceeds or conflicts with the
 73 requirements of federal or state law relating to any term or
 74 condition of employment. An ordinance, order, rule, or policy
 75 that violates this section is void and unenforceable.

76 Section 3. Section 448.106, Florida Statutes, is created
 77 to read:

78 448.106 Workplace heat exposure requirements; preemption;
 79 rulemaking.-

80 (1) As used in this section, the term:

81 (a) "Contractor" means an employer contracting with, or
 82 seeking to contract with, a local government to provide goods or
 83 services to, for the benefit of, or on behalf of the local
 84 government.

85 (b) "Employee" means a natural person, including a self-
 86 employed person, who receives any type of compensation or
 87 remuneration for providing services to an employer.

88 (c) "Employer" means a person who hires or contracts for
 89 the services of employees.

90 (d) "Heat exposure requirement" means a standard mandated
 91 or otherwise imposed on employers, employees, contractors, or
 92 subcontractors to control an employee's exposure to heat or sun,
 93 or to otherwise address or moderate the effects of such
 94 exposure. The term includes, but is not limited to, standards
 95 relating to all of the following:

- 96 1. Employee monitoring and protection.
- 97 2. Water consumption.
- 98 3. Cooling measures.
- 99 4. Acclimatization and recovery periods or practices.
- 100 5. Posting or distributing notices or materials relating

101 to heat exposure which inform employees how to protect
 102 themselves from such exposure.

103 6. Implementation and maintenance of heat exposure
 104 programs or training.

105 7. Appropriate first-aid measures or emergency responses
 106 related to heat exposure.

107 8. Protections for employees who report that they have
 108 experienced excessive heat exposure.

109 9. Reporting and recordkeeping requirements.

110 (e) "Local government" means a county, municipality,
 111 department, commission, district, board, or other public body,
 112 whether corporate or otherwise, created by or under state law.

113 (f) "Subcontractor" has the same meaning as in s.
 114 448.095(1).

115 (2) (a) The regulation of workplace heat exposure
 116 requirements is preempted to the state. Any local law,
 117 ordinance, resolution, regulation, rule, code, policy, or
 118 charter amendment adopted before, on, or after the effective
 119 date of this act which conflicts with this section is void and
 120 prohibited.

121 (b) If the Occupational Safety and Health Administration
 122 has not adopted by rule requirements regulating workplace heat
 123 exposure by July 1, 2028, the Department of Commerce must adopt
 124 by rule statewide workplace heat exposure requirements. Such
 125 rules must be consistent with the standards of the Occupational

126 Safety and Health Administration in effect at the time the
 127 Department of Commerce adopts its rules, and modified as
 128 necessary to reflect workplace heat exposure considerations
 129 specific to this state. The Legislature must ratify such rules
 130 before they take effect.

131 (3) Except as otherwise provided in this section, a local
 132 government may not:

133 (a) Mandate or otherwise impose heat exposure requirements
 134 on an employer, an employee, a contractor, or a subcontractor.

135 (b) Consider or seek information relating to a
 136 contractor's or subcontractor's heat exposure requirements in
 137 any procurement for goods or services.

138 (4) This section does not limit the authority of a local
 139 government to mandate or impose workplace heat exposure
 140 requirements for the employees of the local government.

141 (5) This section does not apply if it is determined that
 142 compliance with this section will prevent the distribution of
 143 federal funds to a local government or would otherwise be
 144 inconsistent with federal requirements pertaining to receiving
 145 federal funds, but only to the extent necessary to allow a local
 146 government to receive federal funds or to eliminate the
 147 inconsistency with federal requirements.

148 Section 4. This act shall take effect July 1, 2024.